

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Martha and Paul Stringer, Attorneys in Fact for Kimberly Stringer

(b) County of Residence of First Listed Plaintiff **Bucks**  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

David K. Inscho, Esquire, Kline & Specter, PC., 1525  
Locust St., Philadelphia, PA 19102; 215-772-1426

**DEFENDANTS**

County of Bucks

County of Residence of First Listed Defendant **Bucks**  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question  
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                                   |   | PTF                        | DEF                        |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2            | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice <b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education <b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
42 U.S.C. § 1983

Brief description of cause:

Excessive uses of force on mentally ill pretrial detainee.

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$**

CHECK YES only if demanded in complaint:

**JURY DEMAND:** ☒ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

Apr 20, 2022

SIGNATURE OF ATTORNEY OF RECORD

David K. Inscho

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**DESIGNATION FORM**

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 198 Crestview Way, Yardley, PA 19067  
Address of Defendant: 55 East Court Street, Doylestown, PA 18901  
Place of Accident, Incident or Transaction: 1730 South Easton Road, Doylestown, PA 18901

**RELATED CASE, IF ANY:**

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- |  |                              |  |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?            | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 04/20/2022 David K. Inscho 90267  
Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

**CIVIL: (Place a ✓ in one category only)**

**A. Federal Question Cases:**

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts  
☐ 2. FELA  
☐ 3. Jones Act-Personal Injury  
☐ 4. Antitrust  
☐ 5. Patent  
☐ 6. Labor-Management Relations  
☒ 7. Civil Rights  
☐ 8. Habeas Corpus  
☐ 9. Securities Act(s) Cases  
☐ 10. Social Security Review Cases  
☐ 11. All other Federal Question Cases  
(Please specify): \_\_\_\_\_

**B. Diversity Jurisdiction Cases:**

- ☐ 1. Insurance Contract and Other Contracts  
☐ 2. Airplane Personal Injury  
☐ 3. Assault, Defamation  
☐ 4. Marine Personal Injury  
☐ 5. Motor Vehicle Personal Injury  
☐ 6. Other Personal Injury (Please specify): \_\_\_\_\_  
☐ 7. Products Liability  
☐ 8. Products Liability – Asbestos  
☐ 9. All other Diversity Cases  
(Please specify): \_\_\_\_\_

**ARBITRATION CERTIFICATION**

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, David K. Inscho, counsel of record or pro se plaintiff, do hereby certify:

- ☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:  
☐ Relief other than monetary damages is sought.

DATE: 04/20/2022 David K. Inscho 90267  
Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.



AND :  
:  
CHRISTINE CUETO :  
c/o Bucks County Correctional Facility :  
1730 South Easton Road :  
Doylestown, Pennsylvania 18901 :  
:  
AND :  
:  
JAQUELINE TORRES :  
c/o Bucks County Correctional Facility :  
1730 South Easton Road :  
Doylestown, Pennsylvania 18901 :  
:  
AND :  
:  
C.O. PAGONE :  
c/o Bucks County Correctional Facility :  
1730 South Easton Road :  
Doylestown, Pennsylvania 18901 :  
:  
C.O. HINES :  
c/o Bucks County Correctional Facility :  
1730 South Easton Road :  
Doylestown, Pennsylvania 18901 :  
:  
C.O. STYERS :  
c/o Bucks County Correctional Facility :  
1730 South Easton Road :  
Doylestown, Pennsylvania 18901 :  
:  
JOHN DOE 1-20 :  
c/o Bucks County Correctional Facility :  
1730 South Easton Road :  
Doylestown, Pennsylvania 18901 :  
:  
Defendants. :

**CIVIL ACTION COMPLAINT**

Plaintiffs, Paula and Martha Stringer, as powers of attorney for their daughter, Kimberly Stringer, by and through their attorneys, Kline & Specter, alleges as follows:

1. This action arises from the excessive use of force by guards at the Bucks County Correctional Facility (herein “BCCF”) on Kimberly Stringer, a mentally ill woman while she was housed at the BCCF from April 14, 2020 until June 17, 2020. This included repeatedly pepper spraying Ms. Stringer for purportedly not complying with guards’ commands despite her inability to do so due to mental illness. The excessive force utilized on Ms. Stringer was a foreseeable and direct result of the conduct of the individual defendants and County of Bucks whose authorized the use of excessive and unconstitutionally unreasonable force on mentally ill inmates.

### **PARTIES**

2. Plaintiffs, Martha and Paul Stringer, are the parents of Kimberly Stringer, and adult residents of the Commonwealth of Pennsylvania, currently residing at 198 Crestview Way, Yardley, Pennsylvania, 19067.

3. Plaintiffs are bringing this action as the appointed powers of attorney on behalf of Kimberly Stringer.

4. Defendant, County of Bucks (herein “Bucks County”), is a county, political subdivision, and governmental entity in the Commonwealth of Pennsylvania, organized and existing under the laws of the Commonwealth of Pennsylvania, with a principal place of business at Bucks County Courthouse, 55 East Court Street, Doylestown, Pennsylvania 18901.

5. Defendant, Andrew Kovach (herein “Defendant Kovach”), is an adult person and resident of the Commonwealth of Pennsylvania with a business address at 1730 South Easton Road, Doylestown, Pennsylvania 18901. Defendant Kovach is a corrections officer and/or sergeant and supervisor of other corrections officers employed by the Bucks County Correctional Facility and/or Bucks County. At all times relevant hereto, Defendant Kovach was acting under

color of state law and under the authority provided to him as a corrections officer at BCCF.

6. Defendant, Kyle Wylie (herein “Defendant Wylie”), is an adult person and resident of the Commonwealth of Pennsylvania with a business address at 1730 South Easton Road, Doylestown, Pennsylvania 18901. At all times relevant hereto, Defendant Wylie was a corrections officer and/or sergeant and supervisor of other corrections officers employed by the Bucks County Correctional Facility and/or Bucks County. At all times relevant hereto, Defendant Wylie was acting under color of state law and under the authority provided to her as a corrections officer at BCCF.

7. Defendant, Jenifer Forman (herein “Defendant Forman”), is an adult person and resident of the Commonwealth of Pennsylvania with a business address at 1730 South Easton Road, Doylestown, Pennsylvania 18901. Defendant Forman is a corrections officer employed by the Bucks County Correctional Facility and/or Bucks County. At all times relevant hereto, Defendant Forman was acting under color of state law and under the authority provided to him as a corrections officer at BCCF.

8. Defendant, Crystal Biemuller, (herein “Defendant Biemuller”) is an adult person and resident of the Commonwealth of Pennsylvania with a business address at 1730 South Easton Road, Doylestown, Pennsylvania 18901. Defendant Biemuller is a corrections officer employed by the Bucks County Correctional Facility and/or Bucks County. At all times relevant hereto, Defendant Biemuller was acting under color of state law and under the authority provided to her as a corrections officer at BCCF.

9. Defendant, Christine Cueto (herein “Defendant Cueto”), is an adult person and resident of the Commonwealth of Pennsylvania with a business address at 1730 South Easton Road, Doylestown, Pennsylvania 18901. Defendant Cueto is a corrections officer employed by

the Bucks County Correctional Facility and/or Bucks County. At all times relevant hereto, was acting under color of state law and under the authority provided to her as a corrections officer at BCCF.

10. Defendant, Jaqueline Torres (herein “Defendant Torres”), is an adult person and resident of the Commonwealth of Pennsylvania with a business address at 1730 South Easton Road, Doylestown, Pennsylvania 18901. Defendant Torres is a corrections officer employed by the Bucks County Correctional Facility and/or Bucks County. At all times relevant hereto, Defendant Torres was acting under color of state law and under the authority provided to her as a corrections officer at BCCF.

11. Defendant, C.O. Pagone (herein “Defendant Pagone”), is an adult person and resident of the Commonwealth of Pennsylvania with a business address at 1730 South Easton Road, Doylestown, Pennsylvania 18901. Defendant Pagone is a corrections officer employed by the Bucks County Correctional Facility and/or Bucks County. At all times relevant hereto, was acting under color of state law and under the authority provided to her as a corrections officer at BCCF. Defendant Pagone’s first name is unknown at this time in the absence of discovery.

12. Defendant, C.O. Hines (herein “Defendant Hines”), is an adult person and resident of the Commonwealth of Pennsylvania with a business address at 1730 South Easton Road, Doylestown, Pennsylvania 18901. Defendant Hines is a corrections officer employed by the Bucks County Correctional Facility and/or Bucks County. At all times relevant hereto, Defendant Hines was acting under color of state law and under the authority provided to her as a corrections officer at BCCF. Defendant Hines’s first name is unknown at this time in the absence of discovery.

13. Defendant, C.O. Styers (herein “Defendant Styers”), is an adult person and resident of the Commonwealth of Pennsylvania with a business address at 1730 South Easton Road, Doylestown, Pennsylvania 18901. Defendant Styers is a corrections officer employed by the Bucks County Correctional Facility and/or Bucks County. At all times relevant hereto, Defendant Styers was acting under color of state law and under the authority provided to her as a corrections officer at BCCF. Defendant Styers’s first name is unknown at this time in the absence of discovery.

14. At all times material hereto, Defendant, Bucks County, owned, operated, maintained, was responsible for, and/or otherwise controlled the Bucks County Correctional Facility. The BCCF is not an independent municipal entity.

15. Defendants John Doe 1-20 are fictitious designations. At all times relevant to this Complaint, Defendant John Does 1-20 were correctional officers or supervisors employed by Defendant Bucks County to work at BCCF. The identities of John Does 1-20 are unknown to the Plaintiffs despite reasonable investigation and search. John Does 1-20 were officers involved in the excessive uses of force described herein in this complaint against Kimberly Stringer during her incarceration at BCCF. Upon information and belief, John Does 1-20 are identified on documentation of the uses of a force on Kimberly Stringer and appear in videotape of those uses of force in possession of Defendants Bucks County. Plaintiffs have requested this documentation and video from Bucks County but has not been provided access to it. Plaintiffs do not presently know the names of these defendants but will seek leave to amend the Complaint within 20 days of their identity being discovered.

### **JURISDICTION AND VENUE**

16. The Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. § 1331, as Plaintiffs' claims arise under the United States Constitution and 42 U.S.C. § 1983.

17. Venue is proper in the Eastern District of Pennsylvania pursuant to 28 U.S.C. §1391(b) because one or more of the Defendants reside, in this district and all Defendants are residents of the Commonwealth of Pennsylvania and a substantial part of the events or omissions giving rise to the claim occurred in this judicial district.

### **OPERATIVE FACTS**

18. The preceding paragraphs and allegations stated above are incorporated by reference as though fully set forth herein.

19. Plaintiff Kimberly Stringer was a pre-trial detainee at BCCF at all relevant times herein. Ms. Stringer was continuously incarcerated between the dates of April 14, 2020 and June 17, 2020 when she was transferred to the State Mental Hospital in Norristown.

20. Prior to Kimberly Stringer's incarceration she had struggled with mental illness including Bipolar Disorder.

21. Prior to Kimberly Stringer's incarceration, policymakers in Bucks County were aware that individuals suffering from mental health disorders would frequently come in contact with the criminal justice system and specifically BCCF.

22. Prior to Kimberly Stringer's incarceration, policymakers in Bucks County were also aware that individuals with mental illness would have a reduced capacity to follow directives from guards at the BCCF.

23. Prior to Kimberly Stringer's incarceration, policymakers in Bucks County were aware that uses of force on inmates with mental illness could be detrimental to their physical and mental health. Moreover, policymakers were aware that uses of force on mentally ill individuals for not complying with directives was unreasonable, malicious and sadistic when those individuals were incapable of complying due to their mental illness.

24. In the beginning of 2020, Kimberly Stringer's mental health worsened. She developed worsening paranoia as a symptom of her mental illness.

25. On or about Saturday April 14, 2020, Kimberly Stringer was arrested by the Falls Township police for striking and threatening her neighbor. This conduct was a direct result of the paranoia induced by Kimberly Stringer's mental illness.

26. Following her arrest, Kimberly Stringer was held at BCCF as a pretrial detainee on \$50,000 bail awaiting trial.

27. While at BCCF, Kimberly Stringer's mental illness worsened.

28. During Kimberly Stringer's time incarcerated at the BCCF, she was almost always naked despite being in full view of male and female corrections officers and housed on units with male inmates.

29. Kimberly Stringer was initially housed on "H" Block.

30. While on "H" Block, Defendant Officers Kovach, Wylie, Forman, Biemuller, Cueto, Torres, Pagone, Hines, Styers and/or John Doe 1-20 engaged in unreasonable and excessive uses of force on Kimberly Stringer, including using O.C. Spray on her and forcibly removing her from her cell and placing her in a restraint chair.

31. The excessive uses of force while Kimberly Stringer was housed on the “H” Block were unreasonable and were instituted because of Kimberly Stringer’s mental illness and the symptoms of that illness. At no time did Ms. Stringer pose a danger to guards involved in the pepper spraying and restraining of Kimberly Stringer or any other inmates or guards at BCCF.

32. On or about May 6, 2020, Defendant Officers Kovach, Wylie, Forman, Biemuller, Cueto, Torres, Pagone, Hines, Styers and/or John Doe 1-20 were engaged in an unreasonable and excessive use of force on Kimberly Stringer.<sup>1</sup> Officers entered Ms. Stringer’s cell and utilized Oleoresin Capsicum (“OC Spray”), commonly referred to as "pepper spray" and/or Mace. OC Spray causes a burning sensation in the eyes, nose, mouth, and throat and can also cause difficulty breathing and temporary blindness when the eyes swell shut.

33. In addition to utilizing OC Spray, the guards handcuffed Kimberly Stringer and placed her in a restraint chair.

34. The May 6 use of force was unreasonable and was instituted because of Kimberly Stringer’s mental illness and the symptoms of that illness. At no time did Ms. Stringer pose a danger to guards involved in the pepper spraying and restraining of Kimberly Stringer or any other inmates or guards at BCCF.

35. On or about May 10, Defendant Officers Kovach, Wylie, Forman, Biemuller, Cueto, Torres, Pagone, Hines, Styers and/or John Doe 1-20 again engaged in an unreasonable and excessive use of force on Kimberly Stringer. On two occasions on May 10, guards used OC Spray on Ms. Stringer and again handcuffed and placed her in a restraint chair.

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<sup>1</sup> The exact role that each Defendant had in the excessive uses of force of Kimberley Stringer and the specific instances that each defendant was involved in are unknown to the Plaintiffs at this time in the absence of discovery, but known to the Defendant guards and Defendant Bucks County and contained in documentation and video in the possession of Defendant Bucks County which the County has refused to provide the Plaintiffs access to in advance of litigation.

36. The uses of force on May 10 were unreasonable and was instituted because of Kimberly Stringer's mental illness and the symptoms of that illness. At no time did Ms. Stringer pose a danger to guards involved in the pepper spraying and restraining of Kimberly Stringer or any other inmates or guards at BCCF.

37. The excessive uses of force on May 10, were approved and authorized by the supervisors at the jail, including Sergeant Kovach, Sergeant Wylie, and/or John Doe 1-20 despite knowing that Kimberly Stringer was not able to comply with directives from guards because of her mental illness.

38. On or about May 20, 2020, Defendant Officers Kovach, Wylie, Forman, Biemuller, Cueto, Torres, Pagone, Hines, Styers and/or John Doe 1-20 were engaged in an unreasonable and excessive use of force on Kimberly Stringer. Officers entered Ms. Stringer's cell and again utilized OC Spray on Ms. Stringer despite it being evidence that she was not responding to directives from guards because of her mental illness.

39. In addition to utilizing OC Spray, the guards handcuffed Kimberly Stringer and placed her in a restraint chair.

40. The excessive use of force on May 20, was approved and authorized by the supervisors at the jail, including Sergeant Kovach, Sergeant Wylie, and/or John Doe 1-20 despite knowing that Kimberly Stringer was not able to comply with directives from guards because of her mental illness.

41. The May 20, 2020, use of force was unreasonable and was instituted because of Kimberly Stringer's mental illness and the symptoms of that illness. At no time did Ms. Stringer pose a danger to guards involved in the pepper spraying and restraining of Kimberly Stringer or any other inmates or guards at BCCF.

42. The excessive use of force on May 20, 2020, was considered a “planned use of force.” As a “planned use of force” the supervisors at the jail, including Sergeant Kovach, Sergeant Wylie, and/or John Doe 1-20 authorized the use of force despite knowing that Kimberly Stringer was not able to comply with directives from guards because of her mental illness.

43. On or about May 29, 2020, Defendant Officers Kovach, Wylie, Forman, Biemuller, Cueto, Torres, Pagone, Hines, Styers and/or John Doe 1-20 were engaged in an unreasonable and excessive use of force on Kimberly Stringer. Officers entered Ms. Stringer’s cell and physically restrained her for the purpose of involuntarily medicating her.

44. At some point while at BCCF, Kimberly Stringer was moved from a cell on “H” block to a cell Women’s Special Housing Unit for Mental Health Inmates known as “the Farm.”

45. While on the Farm, Defendant Officers Kovach, Wylie, Forman, Biemuller, Cueto, Torres, Pagone, Hines, Styers and/or John Doe 1-20 continued to engage in unreasonable and excessive uses of force on Kimberly Stringer, including using O.C. Spray on her and forcibly removing her from her cell and placing her in a restraint chair.

46. The excessive uses of force while Kimberly Stringer was housed on the Women’s Special Housing Unit for Mental Health Inmates were unreasonable and were instituted because of Kimberly Stringer’s mental illness and the symptoms of that illness. At no time did Ms. Stringer pose a danger to guards involved in the pepper spraying and restraining of Kimberly Stringer or any other inmates or guards at BCCF.

47. Defendant Bucks County determined that all of the excessive and unconstitutional uses of force against Ms. Stringer were consistent with its policies and procedures authorizing the use of O.C. Spray and restraints of prisoners.

48. After each incidence of excessive force utilized on Kimberly Stringer, her mental health deteriorated.

49. Inmates who had witnessed the excessive uses of force on Kimberly Stringer contacted Plaintiffs to tell them about what their daughter was experiencing.

50. On or about June 12, 2020, Plaintiff Martha Stringer emailed Bucks County Commissioner Diane Ellis-Marseglia and policy maker at Bucks County to ask about reports that O.C. Spray had been used on her mentally ill daughter.

51. On or about June 13, Plaintiff Martha Stringer was told by Commissioner Marseglia that O.C. Spray was not used on Kimberly Stringer. This was inaccurate.

52. On or about June 15, 2020, an article was published based on firsthand accounts of other inmates that witnessed the excessive uses of force on Kimberly Stringer.

53. On June 17, 2020, Kimberly Stringer was transferred from BCCF to Norristown State Mental Hospital.

54. Upon arrival at the Norristown State Mental Hospital, Kimberly Stringer was in a catatonic state, unable to verbally communicate and nearly entirely unresponsive.

55. As a direct and proximate result of Defendants' unreasonable, unjustifiable and unconstitutional conduct, Kimberly Stringer was caused to suffer the following:

- a. Physical and mental pain and suffering;
- b. Fear, fright and terror;
- c. Mental anguish;
- d. Pain and suffering of being repeatedly sprayed with O.C. spray and physically restrained;

- e. Worsening mental and physical illness, including potential brain damage and seizure disorder;
- f. Temporary unresponsiveness and loss of capacity to speak;
- g. Worsened prognosis for mental health treatment;
- h. Sequalae of repeated use of O.C. Spray including potential brain damage and seizure disorder;
- i. Embarrassment;
- j. Disfigurement; and
- k. Loss of life's pleasures.

**COUNT I – CIVIL RIGHTS- 42 U.S.C. § 1983**

**Plaintiffs Martha and Paul Stringer, as Attorneys-in-Fact for Kimberly Stringer v.  
Defendants Kovach, Wylie, Forman, Biemuller, Cueto, Torres, Pagone, Hines, Styers, John  
Does 1-20**

56. The preceding paragraphs and allegations are incorporated by reference as though fully set forth herein.

57. Defendants in all of their actions and inactions described herein with regard to Kimberly Stringer were all acting under the color of state law.

58. The force utilized by Defendants against Kimberly Stringer during her incarceration at the BCCF, as described herein, was excessive and in violation of Kimberly Stringer's due process rights under the fourteenth amendment to the United States Constitution and her rights to be free from cruel and unusual punishment under the Eighth Amendment to the United States Constitution.

59. The Defendants' uses of force against Kimberly Stringer were objectively unreasonable under the circumstances.

60. Defendants engaged in the excessive uses of forces described herein either intentionally, with deliberate indifference or conscious disregard to the rights of Kimberly Stringer.

61. The excessive uses of force by Defendants against Kimberly Stringer, who was at all times mentally ill and not a danger to guards or other inmates, were malicious and sadistic.

62. Defendants were aware that Kimberly Stringer had a clearly established constitutional right as a pretrial detainee to be free from excessive uses of force that were objectively unreasonable.

63. Defendants' conduct, as set forth above, demonstrates that the harm caused to Kimberly Stringer was a foreseeable and fairly direct result of Defendants' conduct.

64. Defendants' conduct, as set forth above, demonstrates that Defendants acted with deliberate indifference and conscious disregard of the great risk of serious harm to Kimberly Stringer.

65. Defendants' conduct, as set forth herein, violated Kimberly Stringer's constitutional rights, as guaranteed by the United States and Pennsylvania Constitutions, and remediable under 42 U.S.C. § 1983.

66. As a direct and proximate result of Defendants' unreasonable, unjustifiable and unconstitutional conduct, Kimberly Stringer was caused to suffer the injuries described herein.

**WHEREFORE**, Plaintiffs demand judgment against Defendant Officers Kovach, Wylie, Forman, Biemuller, Cueto, Torres, Pagone, Hines, Styers and John Does 1-20, and damages provided under the Pennsylvania law, jointly and severally, together with attorney fees and costs, and pre- and post-judgment interest and any all relief available pursuant to 42 U.S.C. § 1983.

**COUNT II – CIVIL RIGHTS- 42 U.S.C. § 1983- SUPERVISORY LIABILITY**

**Plaintiffs Martha and Paul Stringer, as Attorneys-in-Fact for Kimberly Stringer v.  
Defendants Kovach, Wylie, and John Does 1-20**

67. The preceding paragraphs and allegations are incorporated by reference as though fully set forth herein.

68. Defendants Kovach, Wylie, and John Does 1-20 were in supervisory positions at BCCF with authority to plan, direct, ratify, and terminate uses of force on inmates at BCCF including Kimberly Stringer.

69. Defendants Kovach, Wylie, and John Does 1-20 were aware that Kimberly Stringer suffered from severe mental illness and that she was incapable of understanding and complying with officer directives.

70. Defendants Kovach, Wylie, and John Does 1-20 had knowledge of the excessive and unconstitutional uses of force on Kimberly Stringer described herein in violation of Kimberly Stringer's rights under the Fourteenth and Eighth Amendments to the United States Constitution and planned, approved, directed, and participated in those uses of force.

71. Defendants Kovach, Wylie, and John Does 1-20 having knowledge that subordinates were engaging in excessive and unconstitutional uses of force on Kimberly Stringer as described herein and further acquiesced to those unconstitutional uses of force.

72. The conduct of Defendants Kovach, Wylie, and John Does 1-20 in planning, approving, directing, and participating and acquiescing to the excessive uses of force on Kimberly Stringer is a violation of her constitutional rights, as guaranteed by the United States and Pennsylvania Constitutions, and remediable under 42 U.S.C. § 1983.

73. As a direct and proximate result Defendants Kovach, Wylie, and John Does 1-20 unreasonable, unjustifiable and unconstitutional conduct, Kimberly Stringer was caused to suffer the injuries described herein.

**WHEREFORE**, Plaintiffs demand judgment against Defendant Officers Kovach, Wylie, and John Does 1-20, and damages provided under the Pennsylvania law, jointly and severally, together with attorney fees and costs, and pre- and post-judgment interest and any all relief available pursuant to 42 U.S.C. § 1983.

**COUNT III– CIVIL RIGHTS- MUNICIPAL LIABILITY**

**Plaintiffs Martha and Paul Stringer, as Attorneys-in-Fact for Kimberly Stringer v.  
Defendant Bucks County**

74. The preceding paragraphs and allegations are incorporated by reference as though fully set forth herein.

75. Defendants’ conduct, as set forth above, evinces a violation of Kimberly Stringer’s constitutional rights, including those guaranteed by the Eight and Fourteenth Amendment to the United States’ Constitution.

76. Defendants Bucks County maintained policies and procedures that permitted the use of excessive force on inmates with severe mental illness including the use of O.C. Spray and restraint chairs.

77. Prior to Kimberly Stringer’s incarceration there was a pattern and practice of utilizing excessive force on mentally ill inmates, including se of O.C. Spray and restraint chairs when inmates were not capable of complying with guards’ directives due to mental illness.

78. Following Kimberly Stringer’s incarceration, Defendant Bucks County determined that all of the constitutional violations described herein were performed by its officers consistent with BCCF’s policies and procedures

79. Defendant Bucks County failed to properly train, and/or failed to have a proper policy regarding training correctional officers on use of force, use of O.C. Spray, and use of restraint chairs on pretrial detainees with severe mental illness, thereby depriving Kimberly Stringer of her constitutional rights.

80. Defendant Bucks County failed to properly supervise and/or monitor and/or failed to have a proper policy regarding use of force, use of O.C. Spray, and use of restraint chairs on pretrial detainees with severe mental illness, thereby depriving Kimberly Stringer of her constitutional rights.

81. Defendant Bucks County maintained policies procedures and practices that it knew authorized the excessive use of force on mentally ill inmates in violation of their constitutional rights. Despite this, Defendant Bucks County failed to amend, revise, or replace these policies, procedures, and practices with appropriate policies, procedures, and practices thereby depriving Kimberly Stringer of her constitutional rights.

82. The above-referenced actions are outrageous, egregious, and conscience-shocking, and rise to a level of intention to cause harm.

83. Defendant Bucks County's policies, procedures, and training were a moving force behind the violations Kimberly Stringer's constitutional rights.

84. As a direct and proximate result of Defendant's unreasonable, unjustifiable and unconstitutional conduct, Kimberly Stringer was caused to suffer the injuries including death.

**WHEREFORE**, Plaintiffs demand judgment against Defendant Bucks County and damages provided under the Pennsylvania law, jointly and severally, together with attorney fees and costs, and pre- and post-judgment interest and any all relief available pursuant to 42 U.S.C. § 1983.

**DEMAND FOR JURY TRIAL**

Plaintiffs demand a trial by jury as to all counts and all issues raised by this Complaint.

Respectfully submitted,

**KLINE & SPECTER**

BY: David K. Inscho  
DAVID K. INSCHO, ESQUIRE  
1525 Locust Street, 19<sup>th</sup> Floor  
Philadelphia, Pennsylvania 19102  
215-772-1000  
Attorney for Plaintiffs

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